(1) SINGLE BENCH

EF 102

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION [C] NO. 150/2007

PETITIONER

Ramrakshit Singh

S/o Bhusan Singh, aged about 48 years, R/o Dhapai, Thana – Mungeli, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENT

1. M/s. M.P. Roadways,

   Block Office Row Bhatapara,

   Tehsil Bhatapara, Distt. Raipur (C.G.)

   "Radheshyam Bus"

2. Rajkumar Vaishnav

   S/o Aarti Das, R/o Sindhi Colony Mungeli, Tehsil Mungeli, Distt. Bilaspur (C.G.)

   "Driver of Radheshyam Bus"

3. The New India Insurance Co. Ltd.

   Branch Baloda Bazar

   Distt. Raipur [C.G.]

P.R. No. ..... Sahu
Presented by ..... Vivek Sharma
dated 12/1/07

WRIT PETITION U/A 227 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONER**:

   As per cause title.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C) 150 ..... **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	5.2.2007 Shri Vimlesh Bajpai, learned counsel for the petitioner. This petition is directed against the order dated 5.12.2006 of Annexure P/5 whereby the application of the petitioner/claimant for amending his claim petition has been rejected. From the application of Annexure P/3 it appears that the petitioner sought amendment in the claim petition to incorporate pleadings with respect to the injuries sustained by him in the accident and also to incorporate subsequent line of treatment administered to him by his surgeon. He has also sought amendment to incorporate a pleading with regard to the extent of disability suffered by him as a result of the accident and the loss of his earning capacity. By the impugned order the claims Tribunal has rejected the above application on the ground that the petitioner has not filed any medical certificate of the doctor regarding permanent disability and further on the ground that in case the petitioner has incurred any expenditure subsequent to filing of this petition, the same can be awarded on filing of certificate. I have heard learned counsel for the petitioner.	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...MCMA/.../52... **सन् 2007**

आदेश पत्रक (पूर्वानुबद्ध)

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	The order impugned cannot be sustained for the reasons that the application for amendment in the claim petition was filed at the initial stage of the proceedings when the matter was fixed for recording of evidence of the claimant. The facts sought to be incorporated by way of amendment are related to the injuries sustained by the claimant in the accident and the treatment undergone by him as also with respect to the extent of disability suffered by him. If the claimant is permitted to incorporate those facts in his claim petition, no prejudice is likely to cause to the respondent as they may rebut the averments by filing an additional reply to the claim petition. For the aforesaid reasons, the instant petition is allowed, order impugned is set aside. Consequently, the application of the claimant for amendment is allowed. The respondents, if aggrieved, may file appropriate proceedings available under the law. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.